

REMARKS/ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Claim Objections

The Examiner objected to claims 17-19 as being dependent upon a rejected base claim but indicated these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

35 U.S.C. § 103(a) Rejections

Examiner rejected claims 1-8, and 20 under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent 5,956,018 (hereinafter "Pejic") in view of U.S. Patent 6,469,693 (hereinafter "Chiang"), and further in view of U.S. Patent 6,088,019 (hereinafter "Rosenberg").

Claim 1 includes a limitation not taught by any of Pejic, Chiang, or Rosenberg

Claim 1, as amended, includes a limitation of wherein said button is activated when said top member pivots toward said base member. None of Pejic, Chiang, or Rosenberg teaches such a limitation. As a result, Claim 1 is patentable over Pejic, Chiang, and Rosenberg.

Specifically, Chiang teaches a top including a single piece body having at least one button formed integrally therewith. Further, the button is *coupled to the body* by a U-shaped connection forming a hinge to allow the button to *be depressed with respect to the body* (Col. 2, lines 12-17). In other words, when the button taught by Chiang is

activated, it is depressed relative to the body by a user. Further, the button is separated from the body, since it can be depressed relative to the body. Therefore, Chiang cannot teach where a button is activated when a top member pivots toward a base member, as in Claim 1.

Rosenberg teaches a mouse that has two portions, a base portion and a cover portion, that are connected by a hinge (Col. 14, lines 1-12). The hinge allows the cover portion of the mouse to move and provide a force output upon the activation of an actuator 100. The mouse taught by Rosenberg includes buttons 152 that are activated using a separate mechanism, and that are separate from the cover portion of the mouse. When the actuator is activated, the cover portion moves relative a base portion, however, the buttons are not activated unless a user presses them. As a result, Rosenberg also does not teach that a button is activated when a top member pivots toward a base member, as in claim 1.

Pejic teaches away from a combination with Chiang and Rosenberg

Further, Pejic teaches away from a combination with either Chiang or Rosenberg. The Examiner asserts that Pejic teaches a mouse. However, Pejic specifically teaches an alternative to computer mice, citing the disadvantages of working with mice (Col. 1, lines 14-31). Also, since the device taught by Pejic is intended to replace mice, Pejic cannot suggest a combination with either Chiang or Rosenberg, since both references are specifically directed to computer mice.

Claims 2-8 and 20 depend from claim 1, and therefore include all the limitations of claim 1. Since claim 1 is patentable over Pejic, Chiang, and Rosenberg, claims 2-8 are also patentable over Pejic, Chiang, and Rosenberg.

Examiner rejected claims 9-16 under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent 5,956,018 (hereinafter "Pejic") in view of U.S. Patent 6,469,693 (hereinafter "Chiang").

Claim 9 includes a limitation not taught by Pejic or Chiang

Claim 9 includes a limitation of wherein a button is a top housing of a computer mouse. Neither Pejic nor Chiang teach such a limitation, and as a result, claim 9 is patentable over Pejic and Chiang. Specifically, as mentioned above, Chiang teaches a button that is activated by depressing the button *with respect to the body*. As a result, it cannot be said that Chiang teaches where a button is a top housing of a computer mouse, since Chiang teaches that a button is activated by motion relative to a top housing of a computer mouse. Further, as also mentioned above, Pejic teaches away from a combination with Chiang. As a result, claim 9 is patentable over Pejic and Chiang.

Claim 14 includes a limitation not taught by Pejic or Chiang

Claim 14 includes a limitation of wherein a housing forms a button that is activated when said housing is depressed. Neither Pejic nor Chiang teach such a limitation, and as a result, claim 14 is patentable over Pejic and Chiang. Specifically, as mentioned above, Chiang teaches buttons that are activated by depressing them with respect to the body. Therefore, claim 14 is patentable over Pejic and Chiang. As also mentioned above, Pejic teaches away from a combination with Chiang, since Pejic teaches that computer mice have inherent disadvantages, and Pejic teaches an alternative to a computer mouse.

Claims 10-13 and 15-16 depend from the above mentioned independent claims, and therefore include the limitations of the above mentioned independent claims. As a result, since the independent claims are patentable over Pejic and Chiang, claims 10-13 and 15-16 are also patentable over Pejic and Chiang.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Arlen M. Hartounian at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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